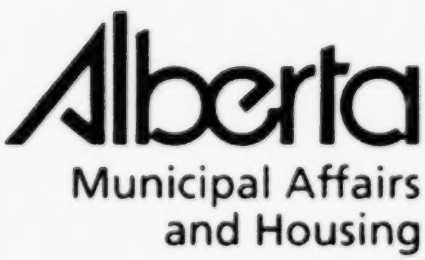
THE ALBERTA LIBRARIES ACT
CHAPTER L-11

Amended 2006
Promulgated Oct 2007

A GUIDE TO THE LEGISLATION



January 2008

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Prepared by:
Alberta Municipal Affairs and Housing
Libraries, Community and Voluntary Services Branch
Public Library Services Section
803-10405 Jasper Avenue
Edmonton, Alberta
T5J-4R7
780-427-4871
780-415-8594 (fax)

Website: www.municipalaffairs.alberta.ca

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Alberta Municipal Affairs and Housing
Preamble to the *Libraries Act*

Public libraries are essential to our future. They further lifelong learning and encourage creativity. They support strong, healthy communities and help Albertans compete in the global economy. The ***Libraries Act*** recognizes the unique role of public libraries as the key point of access to information for all Albertans.

The ***Libraries Act*** embodies four principles for equitable public library service:

- Access: Albertans have an equal right to access information regardless of economic, social or geographic circumstances.
- Accountability: Provincial and municipal governments are responsible for maintaining a healthy public library service. Library boards are accountable to the citizens and funding authorities.
- Service efficiency and effectiveness: Cooperation among and through library systems is the most efficient means of providing access to information.
- Funding: Public library service is funded by local and provincial tax dollars. Library boards may raise funds. They may not charge for basic public library service.

The ***Libraries Act*** sets out conditions of free basic public library service:

- access to library facilities;
- use of library resources in the library;
- borrowing library resources;
- acquiring library resources through interlibrary loan;
- consultation by library staff and/or;
- basic information service.

The ***Libraries Act*** defines the roles of the partners in library development. It recognizes the municipality as the foundation for public library service and the library boards as the major building blocks. It allows for cooperation between municipalities and school authorities to provide equitable and enhanced service through library systems in large regional areas.

The ***Libraries Act*** sets out the governance structure for public library service. It provides for the establishment of municipal and community library boards at the local level and system boards at the regional level. These autonomous boards cooperate through provincial networks and resource sharing agreements to give access to public library resources to all Albertans.

The **provincial role** is: to support equitable access to library service; to maintain a governance structure; to provide funding assistance and to establish a province wide network for communications and sharing of library resources. The ***Libraries Act*** will position Alberta's libraries to take a lead role in the delivery of information in the age of connectivity.

Overview

Under the *Libraries Act*, library boards are charged with providing "comprehensive and efficient service". Library legislation in Alberta provides a structure for the province and municipalities to establish library boards and to develop public library service both at the local and system levels. Library boards have control and management over the content of their plans of service and the operation of their service points.

The ***Libraries Act L-11*** as amended in 2006 consists of Definitions and six parts:

Definitions

1. Municipal Libraries
1.1 Intermunicpal Library Boards
2. Library Systems
3. Community Libraries
4. Federations
5. General

Definitions:

- The definitions of *board*, *council* and *library system* have been developed to identify basic building blocks of public library service.

Parts 1-3:

- set out requirements for the policies and planning required to ensure comprehensive and efficient service,
- allow for more flexibility in financial reporting,
- provide for a process in the event of dissolution, amalgamation or annexation of municipalities,
- identifies in the new Part 1.1 the structure for the establishment of intermunicipal library boards.

Part 4:

- sets out a process for the formation of a federation board. The federation board is a corporate body and must comply with the regulation as do all library boards.

Part 5:

- provides structure and process for the governance of library boards and the requirements of boards to establish bylaws and abide by regulations as determined by the Minister.

Any legal interpretation should be done by reference to the official version, *Alberta Regulation* 141/98 and 172/2007 and subsequent amendments, as published in the *Alberta Gazette*. Assistance on any aspect of the *Libraries Act* or *Library Regulation* may be obtained from the staff of Alberta Municipal Affairs and Housing, Public Library Services Section, or by contacting:

Alberta Municipal Affairs and Housing
Libraries, Community and Voluntary Services Branch
Public Libraries Section
803 Standard Life Centre
10405 Jasper Avenue
Edmonton, Alberta
T5J 4R7

(780) 427-4871
(780) 415-8594 (fax)
Website: www.municipalaffairs.alberta.ca

LIBRARIES ACT

Chapter L-11

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of Alberta, enacts as follows:

Definitions

1 In this Act,

(a) "basic information service" means basic information service as defined in the regulations for the purposes of this Act;

(b) "board" means a municipal board, intermunicipal library board, library system board, community board or federation board;

(c) "community board" means a community library board established or continued under Part 3;

(d) "community library" means a library established or continued under Part 3;

(e) "council" means

(i) in the case of a city, town, municipal district, village, summer village or specialized municipality, the council;

(ii) in the case of a school authority, the board of trustees,

(iii) in the case of a Metis settlement, the settlement council,

(iv) in the case of an improvement district, the Minister responsible for the *Municipal Government Act*, or

(v) in the case of a special area, the Minister responsible for the *Special Areas Act*;

(f) "federation board" means a federation board established under Part 4;

(f.1) "intermunicipal library board" means an intermunicipal library board established under Part 1.1;

(g) "library system" means a library system established, or a regional library continued, as a library system under Part 2;

(h) "library system board" means a library system board under Part 2;

(i) "Minister" means the Minister determined under section 16 of the *Government Organization Act* as the Minister responsible for this Act;

(j) "municipal board" means a municipal library board;

(k) "municipal library" means a library that provides public library services under the control and management of a municipal library board or an intermunicipal library board;

(l) "municipality" means municipality as defined in the *Municipal Government Act*;

(m) "public library" means a municipal library, library system or community library;

(n) "Public Library Rate" means the rate assessed and levied pursuant to section 11;

(o) "school authority" means a school district, school division or regional division.

RSA 2000 cL-11 s1;2006 c5 s2

Part 1
Municipal Libraries

Application

2 This Part applies to every municipal library board maintained in whole or in part by property taxes and

(a) established under this Part, or

(b) continued under this Part.

RSA 2000 cL-11 s2;2006 c5 s3

Municipal board

3(1) The council of a municipality may, by bylaw, establish a municipal library board.

(2) The council shall forward a copy of a bylaw made under subsection (1) to the Minister.

(3) Repealed 2006 c5 s4.

(4) On being established, the municipal library board is a corporation and shall be known as "The (name of municipality) Library Board".

(5) The boards of management of all public libraries to which Part 3 of the *Libraries Act*, RSA 1980 cL-12, applies are continued as municipal library boards under this Act.

RSA 2000 cL-11 s3;2006 c5 s4

Appointment

4(1) A municipal board shall consist of not fewer than 5 and not more than 10 members appointed by council.

(2) A person who is an employee of the municipal board is not eligible to be a member of that board.

(3) Not more than 2 members of council may be members of the municipal board.

(4) A member of the municipal board is eligible to be reappointed for only 2 additional consecutive terms of office, unless at least 2/3 of the whole council passes a resolution stating that the member may be reappointed as a member for more than 3 consecutive terms.

(5) Subject to subsection (6), appointments to the municipal board shall be for a term of up to 3 years.

(6) When appointments are made in respect of a first municipal board, council shall, as nearly as may be possible, appoint 1/3 of the members for a term of one year, 1/3 of the members for a term of 2 years and the remaining members for a term of 3 years.

(7) Notwithstanding this section, the term of office of a member continues until a member is appointed in that member's place.

1983 cL-12.1 s10;1998 c19 s5

Date of appointment

5(1) The appointments of the members of the municipal board shall be made on the date fixed by council.

(2) Any vacancy arising from any cause must be filled by council as soon as reasonably possible for council to do so.

1983 cL-12.1 s11

Validity of proceedings

6 No resolution, bylaw, proceeding or action of any kind of the municipal board may be held invalid or set aside for the reason that any person whose election to council has been judged invalid acted as a member of the board.

1983 cL-12.1 s12

Board duties

7 The municipal board, subject to any enactment that limits its authority, has full management and control of the municipal library and shall, in accordance with the regulations, organize, promote and maintain comprehensive and efficient library services in the municipality and may co-operate with other boards and libraries in the provision of those services.

1983 cL-12.1 s13

Budget

8(1) The municipal board shall before December 1 in each year prepare a budget and an estimate of the money required during the ensuing fiscal year to operate and manage the municipal library.

(2) The budget and the estimate of money shall be forthwith submitted to the council of the municipality.

(3) Council may approve the estimate under subsection (1) in whole or in part.

RSA 2000 cL-11 s8;2006 c5 s5

Accounts

9 The municipal board shall

(a) keep accounts of its receipts, payments, credits and liabilities,

(b) have a person who is not a member of the municipal board and whose qualifications are satisfactory to council review the accounts each calendar year and prepare a financial report in a form satisfactory to council, and

(c) submit the financial report to council immediately after its completion.

RSA 2000 cL-11 s9;2006 c5 s6

Library building and equipment

10(1) When money is required for the purpose of acquiring real property for the purposes of a building to be used as a municipal library or for erecting, repairing, furnishing and equipping a building to be used as a municipal library, the council may, at the request of the municipal board, take all necessary steps to furnish the money requested or the portion of it that the council considers expedient.

(2) Money approved by the council under subsection (1) may be borrowed by the council under the authority of a bylaw and on the

security of debentures, which shall be termed "Public Library Debentures".

(3) The provisions of the *Municipal Government Act* or the *School Act*, as the case may be, governing

(a) the passing of bylaws for borrowing money,

(b) the issue and form of debentures, and

(c) the assessment, levy and collection of money necessary to meet the indebtedness incurred by the issue of debentures,

apply to the borrowing of money under subsection (2).

1983 cL-12.1 s16

Dissolution, amalgamation or annexation of municipality

10.1(1) If the Lieutenant Governor in Council makes an order under the *Municipal Government Act* dissolving a municipality, that order is deemed to dissolve any municipal library board established by that municipality and to pass to the municipality, immediately prior to the dissolution of the municipality, all the rights, assets and liabilities of the municipal library board.

(2) When an amalgamation of municipal authorities has been initiated under Part 4 of the *Municipal Government Act* and no agreement can be reached among those municipal authorities regarding the rights, assets and liabilities of a municipal library board, the Lieutenant Governor in Council may, by order, dissolve the municipal library board and may make any order the Lieutenant Governor in Council considers appropriate in respect of the disposition of the rights, assets and liabilities of the municipal library board.

(3) When an annexation of land from one municipal authority to another municipal authority has been initiated under Part 4 of the *Municipal Government Act* and no agreement can be reached between the municipal authorities regarding the rights, assets and liabilities of a municipal library board established by the municipal authority from which the land is to be annexed, the Lieutenant Governor in Council may, by order, dissolve the municipal library board and may make any order the Lieutenant Governor in Council considers appropriate in respect of the disposition of the rights, assets and liabilities of the municipal library board.

2006 c5 s7

11 Repealed 2006 c5 s8.

Dissolution of board

12(1) If a municipal board fails to open a library to the public for a period of 2 years, the council may make an ex parte application to the Court of Queen's Bench for an order declaring the municipal board dissolved.

(2) The order dissolving the municipal board vests in the municipality all the property of the municipal board, and the council through its proper officers may take possession of the vested property and dispose of it in any manner it considers advisable.

1983 cL-12.1 s18

Part 1.1
Intermunicipal Library Boards

Definition

12.1 In this Part, "intermunicipal agreement" means an agreement under section 12.2.

2006 c5 s9

Intermunicipal library board

12.2(1) The council of a municipality may, by bylaw, authorize the municipality to enter into an agreement that meets the requirements of the regulations with one or two other municipalities respecting the establishment of an intermunicipal library board to provide library services to the residents of the municipalities.

(2) The council of each municipality that is a party to the agreement shall forward a copy of the bylaw and the agreement under subsection (1) to the Minister.

(3) On receipt of the bylaws and the agreement under subsection (2) the Minister may, by order, establish an intermunicipal library board.

(4) An intermunicipal library board established under subsection (3) is a corporation with the name set out in the Ministerial order.

2006 c5 s9

Members of board

12.3(1) An intermunicipal library board consists of the members appointed to the board in accordance with the intermunicipal agreement.

(2) A person who is an employee of an intermunicipal library board is not eligible to be a member of that board.

2006 c5 s9

Validity of proceedings

12.4 Where a person has acted as a member of an intermunicipal library board, no resolution, bylaw, proceeding or action of any kind of the intermunicipal library board may be held invalid or set aside for the reason that that person's election to the council of a municipality is invalid.

2006 c5 s9

Board duties

12.5 An intermunicipal library board, subject to any enactment that limits its authority, has full management and control of the municipal library established by the board and shall, in accordance with the regulations, organize, promote and maintain comprehensive and efficient library services in the municipalities that are the parties to the intermunicipal agreement respecting that board and may co-operate with other boards and libraries in the provision of those services.

2006 c5 s9

Budget

12.6 Each year an intermunicipal library board shall, before the date specified in the intermunicipal agreement respecting that board, submit to each municipality that is a party to the agreement a budget and an estimate of the money required during the ensuing fiscal year to operate and manage the intermunicipal library board, including the amounts to be paid by each municipality in accordance with the agreement.

2006 c5 s9

Accounts

12.7 An intermunicipal library board shall

(a) keep accounts of its receipts, payments, credits and liabilities,

(b) have a person who is not a member of the intermunicipal library board and whose qualifications are approved in accordance with the intermunicipal agreement respecting that board review the accounts each calendar year and prepare a financial report in the form required by the intermunicipal agreement, and

(c) submit the financial report to the council of each municipality that is a party to the intermunicipal agreement immediately after its completion.

2006 c5 s9

Part 2
Library Systems

Library system

13 Subject to this Act and the regulations, a municipality, improvement district, special area, Metis settlement or school authority,

(a) on entering into and becoming a party to an agreement that contains provisions on terms required by regulations, with one or more municipalities, improvement districts, special areas, Metis settlements or school authorities, and

(b) on complying with the regulations,

may request the Minister to establish a library system.

1983 cL-12.1 s19;1998 c19 s7

Library system board

14(1) On receipt of a request referred to in section 13, the Minister may

(a) establish a library system board, and

(b) prescribe the boundaries of the library system,

and when the Minister does so the parties to the agreement described in section 13 become members of the library system.

(2) On being established, the library system board is a corporation and shall be known as "The (name of region) Library Board".

(3) All boards of management of regional libraries under the *Libraries Act*, RSA 1980 cL-12, are continued as library system boards under this Act.

(4) The agreements referred to in section 13 that have been entered into under the *Libraries Act*, RSA 1980 cL-12, are continued under this Act, as modified by this Act.

1983 cL-12.1 s20

Joining an existing library system

15 A municipality, improvement district, special area, Metis settlement or school authority may, in accordance with the regulations, become a member of a library system by complying with the terms of the agreement referred to in section 13, becoming a party to the agreement and receiving the approval of the Minister.

1983 cL-12.1 s21;1998 c19 s8

Appointment

16 A library system board shall consist of

(a) one member for each municipality, Metis settlement and school authority that is a member of the library system who is appointed by the council of the municipality, Metis settlement or school authority,

(b) one member for each improvement district that is a member of the library system, who is appointed by the Minister responsible for the *Municipal Government Act*,

(c) one member for each special area that is a member of the library system, who is appointed by the Minister responsible for the *Special Areas Act*, and

(d) any additional members appointed in accordance with the regulations.

1983 cL-12.1 s22;1998 c19 s9

System board duties

17 The library system board, subject to any enactment that limits its authority and the agreement described in section 13, has full management and control of the library system and shall, in accordance with the regulations and in co-operation with other boards, organize, promote and maintain comprehensive and efficient library services and may

(a) borrow from time to time for the purpose of defraying its operating expenses an amount not exceeding 50% of the amount expended by it during its immediately preceding fiscal year;

(b) fix fees for the use of library services by residents of a municipality within the boundaries of the library system that does not receive library services from the library system board.

1983 cL-12.1 s23

Budget

18(1) The library system board shall, on or before a date specified by each municipality, improvement district, special area and school authority that is a party to the agreement described in section 13, submit to each of them a budget and an estimate of the money required during the ensuing fiscal year to operate and manage the library system, including the amounts to be paid by each of them.

(2) Budget approval and compliance with the amounts to be paid by each party to the agreement described in section 13 shall be in accordance with the terms of that agreement.

1983 cL-12.1 s24

Restriction of authority

19 Notwithstanding this Part, if a municipal library has been established in a municipality and is receiving library services from the library system board, the authority of the library system board and the municipal library board or intermunicipal library board is limited by the terms of any agreement described in section 12.2 or 13.

RSA 2000 cL-11 s19;2006 c5 s10

Establishment and capital grants

20 A municipality, improvement district, special area or school authority may grant money for capital works requirements and grant money to establish a library system.

1983 cL-12.1 s26

Annual grants

21(1) If an improvement district or a special area is a party to an agreement described in section 13,

(a) the Minister responsible for the *Municipal Government Act*, in the case of an improvement district, or

(b) the Minister responsible for the *Special Areas Act*, in the case of a special area,

may, in addition to all other rates and assessments assessed and levied for the purposes of an improvement district or special area, assess and levy from year to year a special annual rate on the assessed value of all property liable to taxation in the improvement district or special area for the purposes of the library system board and shall, on behalf of the improvement district or special area, make an annual grant, from the money derived from the special annual rate, to the library system board with respect to its budget under section 18.

(2) If a school authority is a party to an agreement described in section 13, the school authority may make an annual grant to the library system board with respect to its budget under section 18.

1983 cL-12.1 s27

Withdrawal from the library system agreements

22 At any time after the expiration of 3 years from the date that the party entered into the agreement, a party to an agreement described in section 13 may, by giving 12 months' notice, withdraw from the agreement.

1983 cL-12.1 s28

Dissolution of a library system board

23(1) If a library system board fails to provide library services in accordance with the regulations for 2 years, the majority of the parties to the agreement described in section 13 may join in making an application to the Court of Queen's Bench for an order declaring the library system board dissolved.

(2) The Court, in the order dissolving the board, shall vest the property of the library system board in the Minister or in the councils of the parties to the agreement described in section 13 severally or in common as it considers just, or make any other disposition of the property that it considers just in the circumstances and the Minister and the councils may then take possession of the property and dispose of it as considered advisable by them, in accordance with any terms or conditions in the order.

1983 cL-12.1 s29

Borrowing for library system boards

24 A municipality or a school authority that is a party to an agreement described in section 13 may, with the approval of the Minister, borrow money to acquire real property for the purposes of a building to be used as the headquarters of a library system or for erecting, repairing, furnishing and equipping a building to be used as the headquarters of a library system, and section 10(2) and (3) apply to the borrowing of the money.

1983 cL-12.1 s30

Part 3
Community Libraries

Community library

25 In any area, other than a municipality, where library services are not provided by a library system board, any association of persons, whether incorporated or not, may apply to the Minister to

be established as a community library board and to be authorized to provide library services to the public in that area.

1983 cL-12.1 s31

Community library board

26(1) The Minister may establish a community library board and prescribe the boundaries of the community library.

(2) On being established, a community library board is a corporation and shall be known as "The (name of the library) Community Library Board".

(3) All community library boards under the *Libraries Act*, RSA 1980 cL-12, are continued as community library boards under this Act.

(4) The members of the community board shall be appointed in the manner and on the conditions prescribed by the Minister.

1983 cL-12.1 s32;1998 c19 s10

Community board duties

27 The community board, subject to any enactment that limits its authority, has full management and control of the community library and may

(a) provide library services within the boundaries of the community library in accordance with the regulations, and

(b) raise funds for the support of the community library, including the fixing of an annual membership fee.

1983 cL-12.1 s33

Dissolution of board

28 On the formation of a library system board, a municipal library board or an intermunicipal library board in an area where a community board is authorized to provide library services, the Minister may order that a community board be dissolved and dispose of its property in consultation with the persons who were the members of the dissolved community board.

RSA 2000 cL-11 s28;2006 c5 s11

Part 4
Federations

Forming a federation board

29(1) Two or more municipal boards, on entering into an agreement that meets the requirements of this Act and the

regulations, may request the Minister to establish a federation board.

(2) An agreement described in subsection (1) must include

(a) either The City of Calgary Library Board or The City of Edmonton Library Board as a party to the agreement;

(b) provisions on establishing a plan for the co-operative provision of library services among the parties to the agreement;

(c) provisions respecting the amount or portion of federation board expenses that each party to the agreement is responsible for.

(3) On receipt of a request under subsection (1), the Minister may

(a) establish a federation board, and

(b) name the federation board.

(4) On being established, a federation board is a corporation that consists of one person selected by each of the parties to the agreement described in subsection (1).

(5) A municipal board may join an existing federation board if

(a) that municipal board applies for membership in the federation board,

(b) that municipal board meets the requirements of this Act and the regulations,

(c) that municipal board enters into an agreement with the federation board for membership and becomes a party to the agreement described in subsection (1),

(d) the members of the federation board make any necessary amendments to the agreement described in subsection (1), and

(e) the Minister approves the agreement referred to in clause (c), the amendments referred to in clause (d) and the municipal board's becoming a party to the agreement described in subsection (1).

(6) The Minister may order that a federation board be dissolved and dispose of its property in consultation with the members of the federation board when it is dissolved.

1998 c19 s12

Operating a federation board

30(1) A federation board must

(a) facilitate the enhancement of library services offered by its members to the public, and

(b) encourage its members to co-operate with each other in the provision of library services to the public.

(2) A federation board may not borrow money for payment of its operating expenses in an amount that exceeds 50% of the money it spent on its operating expenses in the immediately preceding fiscal year.

(3) Each municipal board that is a party to an agreement referred to in section 29(1) must appoint one of its members to represent it at meetings of the federation board.

(4) A representative under subsection (3) may serve a term of up to 3 years.

(5) A federation board must prepare a budget prior to December 1 of each year for the next fiscal year.

(6) The fiscal year of a federation board is the same as the fiscal year of a municipality under the *Municipal Government Act*.

1998 c19 s12

Part 5
General

Board member disqualification

31(1) A person is disqualified from remaining a member of a board if the person fails to attend, without being authorized by a resolution of the board to do so, 3 consecutive regular meetings of the board.

(2) If a member of a board is disqualified from remaining a member under subsection (1), the person is deemed to have resigned the person's seat on the board.

1983 cL-12.1 s35

Chair of board

32 A board shall elect a chair and any other officers it considers necessary from among its members.

1983 cL-12.1 s36

Meetings

33(1) A board shall meet at least once every 4 months and at any other times it considers necessary.

(2) If the regulations require a library system board to have an executive, that executive must meet at least once every 3 months and at any other times it considers necessary.

1983 cL-12.1 s37;1998 c19 s13

Record of meetings

34(1) All minutes, resolutions and bylaws of a board shall be entered in books to be kept by it for that purpose and the books shall be signed by the chair or acting chair.

(2) The minutes, resolutions and bylaws entered in books and purporting to be signed under subsection (1) are deemed to be original minutes, resolutions and bylaws, and the books shall be admitted in evidence as proof in all judicial and other proceedings without proof of the signature or official character of the person purporting to have signed them.

1983 cL-12.1 s38

Library agreements

35 With the consent in writing of the Minister, a board in a municipal district may enter into agreements with any other municipal board or intermunicipal library board relating to the provision of library services to the residents of that municipal district.

RSA 2000 cL-11 s35;2006 c5 s12

Safety and use of library facilities

36(1) A board may pass bylaws for the safety and use of the library, including

(a) the terms and conditions under which

(i) the public may be admitted to the building,

(ii) public library property may be used or borrowed by members of the public, and

(iii) borrowing privileges may be suspended or forfeited;

(b) notwithstanding subsection (3), fees to be paid by members of the public for

(i) the issuance of library borrowing cards,

(ii) the use of those parts of the building not used for the purposes of the public library,

(iii) photocopying,

(iv) receiving information in a printed, electronic, magnetic or other format, and

(v) receiving, on request, a library service not normally provided by a public library;

(c) penalties to be paid by members of the public for abuse of borrowing privileges.

(2) The *Regulations Act* does not apply to bylaws passed under subsection (1).

(3) A bylaw or part of a bylaw that requires a member of the public to pay a fee or charge for any of the following is invalid:

(a) admittance to any portion of a building used for public library purposes;

(b) using library resources on library premises;

(c) borrowing library resources, in any format, normally lent by the library;

(d) acquiring library resources through inter-library loan;

(e) consultation with members of the library staff;

(f) receiving basic information service.

1983 cL-12.1 s40;1998 c19 s14

Bylaw transmission

37(1) A municipal library board, on passing a bylaw under section 36, shall forthwith forward a copy of the bylaw to the council of the municipality.

(2) An intermunicipal library board, on passing a bylaw under section 36, shall forthwith forward a copy of the bylaw to the council of each municipality that is a party to the intermunicipal agreement respecting that board.

RSA 2000 cL-11 s37;2006 c5 s13

Bylaw invalidated

38 The council of a municipality may disallow a bylaw passed by a municipal board it has appointed.

1983 cL-12.1 s42

Authorization to inspect

39(1) The Minister or a person authorized in writing by the Minister may, during regular business hours, inspect the books, records and accounts of a board.

(2) A person authorized under subsection (1) shall, while inspecting the books, records or accounts of a board, carry identification in the prescribed form and present it on request.

1983 cL-12.1 s43

Regulations

40 The Minister may make regulations

(a) respecting the establishment, maintenance, operation and management of public libraries;

(b) respecting the acquisition, provision, management, maintenance and disposition of library materials and facilities by public libraries;

(c) respecting the planning for, and provision and management of, library services;

(d) governing the filing, by boards, of returns and reports, and their contents;

(e) respecting the inspection of public libraries;

(f) prescribing the form of identification for persons authorized to inspect public libraries;

(g) providing for the making of any surveys by boards that the Minister considers necessary or advisable for the purpose of obtaining information to assist in the formulation of policies respecting matters to which this Act relates;

(g.1) governing the matters required to be dealt with in agreements described in section 12.2;

(h) prescribing conditions to be complied with by any municipality, Metis settlement or school authority prior to its association with a library system;

(i) governing the matters required to be dealt with in agreements described in section 13 and the requirements and procedure to establish or expand a library system;

(j) respecting the disposition and transfer of library assets by municipal boards desirous of disposing of them to library

system boards on entering into agreements described in section 13;

(j.1) respecting the dissolution of intermunicipal library boards;

(k) subject to section 16, governing appointments to library system boards and the terms of office of their members;

(l) respecting requirements for establishing a federation board and for membership in a federation board;

(m) defining basic information service for the purposes of this Act.

RSA 2000 cL-11 s40;2006 c5 s14

Offence

41(1) Any person who wilfully contravenes any bylaw under section 36 is guilty of an offence.

(2) A person who wilfully retains any book, record, film or other library property from any public library established and conducted under the authority of this Act is guilty of an offence.

(3) A person who obstructs the Minister or a person authorized in writing by the Minister to act on the Minister's behalf in the inspection of the records of a public library is guilty of an offence.

1983 cL-12.1 s45

Disposition of fines

42(1) Any fine or penalty imposed pursuant to an offence under section 41(1) inures to the benefit of the board whose bylaw was contravened.

(2) Any fine or penalty imposed pursuant to an offence under section 41(2) inures to the board having the management or control of the property in respect of which the offence was committed.

1983 cL-12.1 s46